

CITY COUNCIL

Committee of the Whole

Monday, May 9, 2011

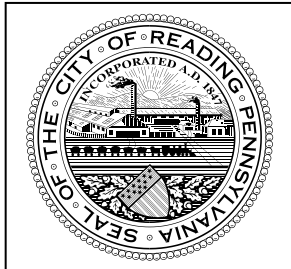
Council Office

5:00 pm

Agenda

Although Council committee meetings are open to the public, public comment is not permitted at Council Committee of the Whole meetings. However, citizens are encouraged to attend and observe the meetings. Comment from citizens or professionals during the meeting may be solicited on agenda topics via invitation by the President of Council.

- I. Summer Playground Programming**
- II. Graffiti Abatement**
- III. Community Development Payment System**
- IV. Agenda Review**



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
April 18, 2011
5:00 P.M.

COUNCIL MEMBERS PRESENT:

V. Spencer, S. Marmarou, D. Sterner, M. Goodman-Hinnershitz, D. Reed, J. Waltman

OTHERS PRESENT:

L. Kelleher, S. Katzenmoyer, C. Younger, H. Tangredi, F. Denbowski, C. Geffken, C. Zale, D. Kersley, D. Robinson, D. Wright, J. Nagel, D. Cituk, A. Palacios

Mr. Spencer called the Committee of the Whole meeting to order at 5:10 p.m.

I. Community Development Payment System Update

Mr. Waltman noted his recollection that the Department would revert to the old system. He stated that running a parallel system is acceptable but that he is unsure if a parallel system is being run. He noted the need for the Auditor to review and approve all City payments. Mr. Geffken stated that accounts payable forms have been completed and in the interim the Auditor will approve and sign Community Development checks.

Mr. Waltman noted that some checks were sent without the Auditor signature. Mr. Cituk confirmed stating that several checks were sent without his signature. He stated that he and the Administration have been working on this issue and that good progress has been made. He stated that this information must be entered into the City's accounting system but that he is comfortable with the interim process.

Mr. Waltman questioned what checks were sent without the Auditor's signature and if those items are currently under review. He noted his understanding that the Mayor had recommended returning to the former system for Community Development check processing. Mr. Cituk stated that a subsequent meeting was held in which the interim process was agreed upon. He stated that he is currently reviewing the information but that not all information has been received.

Mr. Waltman stated that Council has reviewed this issue for four weeks. He stated that taxpayer dollars are being used. He noted the need for the Auditor's signature on all checks. Mr. Geffken stated that the Auditor and Administration are working to resolve the issue.

Mr. Spencer questioned if the Auditor has seen all the information requested. Mr. Cituk stated that the majority has been reviewed but that he has not yet received all the information.

Mr. Acosta arrived at this time.

Mr. Cituk stated that he has been working with the external auditor. He stated his belief that there was no disreputable behavior.

Ms. Goodman-Hinnershitz expressed her belief that it is not helpful to infer why things are not done. She stated that progress has been made and requested that Council be debriefed when the issue is addressed in full and the process is complete. Mr. Cituk stated that he should have the information reviewed by the end of April. He stated that this information must be entered into the City's accounting system and a review of the new process performed.

Mr. Spencer questioned how the Auditor reviews accounts payable forms. Mr. Cituk described his review process.

Mr. Spencer questioned the length of time needed to review an accounts payable form. Mr. Cituk stated that the time varies depending on whether there are problems associated with the form (ie. missing information, no funds available, etc). He stated that he is addressing the Community Development Department payments separately.

Mr. Spencer stated that once checks have been sent they cannot be rescinded. Mr. Cituk noted the need to review the information. He expressed his belief that nothing he has reviewed has led him to believe anything inappropriate has been done.

Mr. Marmarou stated that this issue has been a focus for the last several weeks and involves many professionals. He expressed his belief that this issue should have been

concluded by this time. He stated that the issue has received bad press and that it wastes Council's time. Mr. Geffken again stated that the Auditor and Administration are making progress.

Ms. Reed noted her agreement with Mr. Marmarou. She stated that this should be a top priority and professionals and officials should be working nights and weekends to resolve this. She stated that this shows the inefficiencies in government and that there should be better problem solving. She expressed her belief that this issue could have been handled more efficiently with better communication between the branches of government.

Mr. Waltman stated that in the corporate setting finance and operations often conflict but that financial controls are necessary. He noted his concern with the loss of controls. He noted the difficulty in finding information after the passage of time and stressed the need for this information to be included in the City's accounting system. He stated that this information should be shared before payments are made. Mr. Nagel stated that the parallel system has been approved by the Mayor as a temporary solution.

Mr. Waltman noted the need for financial controls in any amended system.

Ms. Goodman-Hinnershitz noted the need for an amended system to be rectified. She expressed her disagreement with Mr. Marmarou and Ms. Reed and stated that she feels that Council should be commended for their work on this issue as it shows they are careful and hold people accountable. She noted the problems again caused by lack of communication.

Mr. Marmarou stated that there have been three large financial issues faced by the City – the lost checks, the fund transfers, and now this payment system.

Ms. Reed stated that the manner in which this is being handled sends mixed signals. She stated that process should have been followed and Council approached as soon as the Auditor learned of the project or through the Business Analyst to update Council on their potential need to amend the Administrative Code. She stated that Council has other issues which need to be reviewed.

Mr. Sterner noted his agreement with Ms. Reed. He stated that Council has been discussing this issue for several weeks. He noted that the Auditor and Administration are making progress and requested that the Administration submit the rest of the information to the Auditor quickly. He requested a report on the outcome and an update on any need for Council to amend the Administrative Code to implement a new process. He expressed his agreement with Mr. Marmarou about the three large financial issues that should have been brought to Council's attention.

Ms. Goodman-Hinnershitz questioned Council action at this time. Mr. Cituk stated that Council has only seen cover sheets and that he has much documentation to review. Mr. Geffken stated that the Administration will continue to work with the Auditor and to have this information entered into the City accounting system. He stated that he is currently waiting for an advisory opinion from the Charter Board and will move forward with the best course of action.

Mr. Waltman noted his agreement with Mr. Geffken but again noted the need for financial controls and that Council must also be comfortable with any amendments to the Administrative Code.

Mr. Acosta questioned if there were any other issues noted by the Auditor at this time. Mr. Cituk stated that this is the only abnormal issue. He stated that the rest of the City departments continue to operate under the Administrative Code.

Mr. Acosta questioned if there were other issues in the Auditor's office. Mr. Cituk stated that there will be a future issue regarding payroll but no other issues such as this one are known at this time.

Mr. Spencer questioned if the Auditor is signing Community Development checks. Mr. Geffken stated that he is.

Mr. Spencer questioned if the Auditor has seen the necessary information. Mr. Cituk stated that he has.

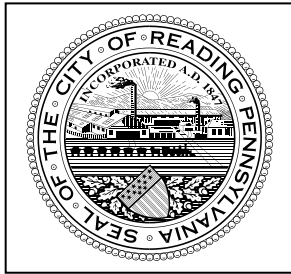
Mr. Spencer questioned if the concerns of the external auditor have been addressed. Mr. Geffken stated that they have.

Mr. Waltman stated that Council will most probably have additional questions when proposed changes come forward.

Mr. Geffken stated that the Administration will request this item be placed on a future agenda when an amendment is ready. Ms. Kelleher added that it should also appear on a future agenda when the advisory opinion from the Charter Board is received.

The meeting adjourned at 5:45 pm.

Respectfully
Submitted
Linda A. Kelleher, CMC
City Clerk



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
April 25, 2011
5:00 P.M.

COUNCIL MEMBERS PRESENT:

D. Reed, S. Marmarou, J. Waltman, V. Spencer, D. Sterner, F. Acosta, M. Goodman-Hinnershitz

OTHERS PRESENT:

L. Kelleher, S. Katzenmoyer, F. Denbowski, C. Geffken, K. Kulp, C. Younger

Mr. Spencer called the Committee of the Whole meeting to order at 5:13 p.m.

I. Interview with Interim Fire Chief Kulp

Council entered executive session at 5:13 pm as this is a personnel issue. Council exited executive session at 6:20 pm.

II. Executive Session

Council entered executive session at 6:22 pm to discuss a legal issue. Council exited executive session at 6:35 pm.

III. Sewer Fund Investigation

Mr. Spencer reviewed the amendment. He questioned if the amendment will include the answers to the questions. Mr. Geffken stated that the questions will be answered via memo and will be a separate document.

Mr. Spencer suggested that Council schedule a meeting to discuss strategy. Ms. Kelleher stated that the first stage of investigation is discovery. She stated that information should be relayed to Council at that time.

Ms. Goodman-Hinnershitz stated that this information needs to become public and suggested a report be prepared and a resolution adopted to accept the report to close the investigation.

Mr. Spencer questioned the use of subpoenas. Ms. Reed stated that the subpoena process may become too expensive.

Mr. Spencer stated that information would be requested from City staff. Ms. Reed also suggested requesting information from the City Auditor.

Mr. Marmarou questioned if information would be requested from former City employees. Ms. Reed suggested that letters be sent requesting the information and informing the former employees that if information is not given voluntarily that subpoenas will be issued.

IV. Agenda Review

Council reviewed this evening's agenda including the following:

- Resolutions promoting Police personnel

Mr. Sterner questioned the process used for promotions. Mr. Geffken stated that the civil service process is used. He further stated that all positions will remain necessary in the department and are being filled due to vacancies.

- Ordinance amending the 2011 Full Time Position Ordinance to add a Planner II to the Community Development Department to focus on the Ricktown Project

Mr. Geffken stated that the Administration requests that this ordinance be tabled at this time.

- Ordinance setting the salary of the Director of the Department of Fire and Rescue Services

Based on discussions held during the executive session on personnel, this ordinance will be amended to \$77,500.

V. County Graffiti Abatement Program

Ms. Kelleher distributed a copy of a letter from the Mayor to the County Commissioners offering to contribute \$35,000 toward this program to ensure it continues as a regional effort. She stated that she has heard that the County believes since we can contribute financially to the program that the City should run the program.

Mr. Denbowski explained that the current program was funded by a three year grant which will expire in June 2011. He described three options available to the City: Contributing \$35,000 to the County to offset the salary of the program director. He stated that there has not yet been a response to the letter.

Bringing the operations to the City as an in-house program with the opportunity for contributions from outlying municipalities to continue to participate

Outsourcing the operations to a private entity

Mr. Denbowski stated that timing is urgent as the June deadline is fast approaching. He stated that now is the time to get the program running to remove as much graffiti as possible during the warm weather. He noted the need to hear back from the Commissioners quickly so that the City can move forward as needed. He stated that he will have a further update at Council's next meeting.

Mr. Marmarou questioned where the funding for the program would be drawn. Mr. Denbowski stated that the program would be funded through the solid waste fund.

Mr. Waltman suggested that the Mayor call the Commissioners in order to address this issue quickly.

Ms. Goodman-Hinnershitz noted that recent research has tied gangs to graffiti in the Reading area. She noted the importance of removing graffiti and stated that it is spreading beyond the City limits.

Mr. Marmarou expressed his belief that this program needs to continue. He encouraged the publication of offenders who are caught committing this crime.

Mr. Spencer questioned when Council would receive its next update. Mr. Denbowski stated that he will further update Council at their next Committee of the Whole meeting. He stated that the City should have a plan to move forward at that time.

The meeting adjourned at 6:55 pm.

Respectfully

Submitted
Linda A. Kelleher, CMC
City Clerk



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
May 2, 2011
5:00 P.M.

COUNCIL MEMBERS PRESENT:

V. Spencer, S. Marmarou, M. Goodman-Hinnershitz, D. Reed, J. Waltman, F. Acosta

OTHERS PRESENT:

L. Kelleher, S. Katzenmoyer, C. Younger, F. Denbowski, C. Geffken, D. Kersley, H. Boyer, W. Heim, K. Kulp

Mr. Spencer called the Committee of the Whole meeting to order at 5:05 p.m.

I. Summer Playground Programming

Ms. Goodman-Hinnershitz stated that she requested this Committee of the Whole for an update on the summer use of the City fieldhouses, recreation centers, and playgrounds.

Mr. Denbowski introduced Heather Boyer from Recreation.

Ms. Boyer distributed the recreation budget for part time wages. This information was reviewed.

Mr. McMahon arrived at this time.

Ms. Boyer explained that last summer the playground program was funded through the federal stimulus program and that she had no oversight in the interview and selection process. She stated that it was a challenging summer. She stated that the stimulus

funding available this year is for 16 – 18 year olds only and that this age group is not appropriate to supervise children. She stated that the City summer program is unique and reputable but that it cannot be offered this summer due to financial and time constraints. She stated that the \$42,000 noted in the budget for 2009, has been deleted in the 2010 and 2011 budgets. This funding paid for leaders at eight parks/playgrounds and covered staff costs only. This did include equipment and supplies.

Mr. Denbowski stated that the summer program was funded at a \$100,000 level in 2006.

Ms. Boyer explained that attendance has been down at the summer programs. She stated that the Reading School District summer enrichment programs dismiss at 1 pm. She noted that the City summer program would need changes and suggested that the programs run from 1 – 6 pm. She stated that a pilot program was run at Pendora Park last year from 1 – 6 pm and was very successful. She stated that parents want better supervision of their children at the programs.

Mr. Waltman questioned how much funding would be needed for the programs and how much time would be necessary to get it running for this summer. He noted that Council does not have time during the budget process to address this type of issue. He noted the importance of recreation. Ms. Boyer stated that to have a successful program distributed evenly throughout the City she should have programming at twelve parks. The program would begin the week of June 20 and she would need to interview and hire quickly.

Mr. Geffken suggested that Ms. Boyer address specifics at next week's Committee of the Whole meeting.

Ms. Reed questioned if the program could be realistically planned for this summer. Ms. Boyer stated that it could be if she would be able to start quickly.

Mr. Marmarou questioned how recreation brought in revenue. Ms. Boyer stated that it was through rentals of the fieldhouses, fields, pavilions, summer camp, etc.

Mr. Marmarou questioned where this revenue was deposited. Ms. Boyer stated that it is placed into the City's general fund.

Mr. Marmarou stated that Alvernia collects revenue for the use of the softball field at Angelica. Mr. Denbowski stated that he would review the lease agreement. Mr. McMahon stated that this is because Alvernia made the investment in the field improvements.

Mr. Marmarou stated that the City leased away that revenue. He stated that the City should have access to that income and to the field. He stated that this situation is similar to that at Egelman's field. Mr. Denbowski stated that Mr. Lubas has reviewed this information and feels that the lease agreement is being followed.

Mr. Marmarou suggested that revenue from the Angelica field rental be used to fund the summer programs.

Mr. Denbowski stated that revenue is also generated from Schlegel pool. He stated that recreation had \$136,000 in revenue in 2010.

Mr. Acosta questioned how the revenue was spent. Mr. Denbowski stated that it was placed in the general fund and used to cover City expenses.

Mr. Marmarou again suggested that this revenue be used to fund the summer program.

Mr. Denbowski suggested that funds be reallocated from the CDBG budget to fund the summer program.

Ms. Goodman-Hinnershitz questioned the use of rec centers during the summer. Ms. Boyer stated that the rec centers are open September through May from 3:30 – 8 pm. She stated that there are three rec centers – 3rd & Spruce, 11th & Pike and Pendora.

Mr. Waltman noted the need for realistic figures at the next meeting. He noted the need to find funding for this programming. He stated that the City has made large investments in its parks and that they should be used by many.

Ms. Goodman-Hinnershitz questioned the summer program at Pendora Park. Ms. Boyer stated that the program at Pendora Park is funded by CDBG and will be open this summer. She stated that the amount allocated by CDBG is unknown due to State and Federal changes. Mr. Denbowski stated that recreation will receive the funds as budgeted. He stated that if changes are needed, they will be made elsewhere.

Ms. Goodman-Hinnershitz suggested that the update next week include City funding sources and outside funding sources available.

Mr. Spencer suggested that the Reading School District be contacted as he believed the summer enrichment programs are changing. Ms. Boyer stated that she would verify their summer programming.

Mr. Waltman questioned the Olivet project at Pendora Park. He stated that the City should remove any zoning obstacles. He noted that this project should not be impeded.

Mr. Spencer stated that lawyers are reviewing the zoning issues. He stated that Olivet will need to appear before the Zoning Hearing Board. Mr. Denbowski stated that the park is zoned preservation but that the building of the current fieldhouse sets a precedent to build in the park.

Mr. Waltman noted the need for the City to support the program if Olivet is willing to invest in the park.

Mr. Spencer noted the need for Olivet to design a building appropriate for this park and to have a successful capital campaign before work begins.

Ms. Kelleher stated that the Council office has received copies of the deeds for the park which state that it must be used only as a park and playground and that if it is used for any other purpose it would revert to the heirs of the donor.

It was suggested that Pandora be discussed as a separate topic at a future meeting. Mr. Spencer suggested holding a Committee of the Whole on May 16. Mr. Younger stated that he would be able to review the documents and have an opinion prepared for May 16.

Mr. Denbowski stated that a building was already placed there so that zoning should not be an issue. Ms. Kelleher described the public versus private issue with a City building versus a private, non-profit building.

Mr. Denbowski stated that Olivet does not turn youth away because of an inability to pay the membership fee. He stated that Olivet was told that they would need to address zoning and planning issues.

The meeting adjourned at 5:30 pm.

Respectfully
Submitted
Linda A. Kelleher, CMC
City Clerk

City of Reading

Graffiti Abatement Program

Business Plan Proposal

May 2011



Table of Contents

Executive Summary -	I.
Program Specifics-	II.
A- Objectives	
B- Organizational Structure/Staffing	
C- Procedures	
D- Partnerships	
Funding Source -	III.
Budget -	IV.
Conclusion -	V.

I. Executive Summary

The proposed City of Reading Graffiti Abatement Program is a vital component of an ongoing effort by Act 47 officials, the administration and City Council to address quality of life issues that have long been proliferating, leading to a deterioration of the housing stock, as well as a marked increase in crime and the perception that the city is not a safe place to live, work, or do business. The City of Reading has a graffiti issue of almost epic proportions, and up until now there has not been a focused, dedicated effort through a single entity with adequate resources to tackle the problem and deal with it in a comprehensive way. Past efforts by the City of Reading Public Works Department, as well as the Berks County Graffiti Abatement Program made some noticeable progress, but historically were unable ever get the problem under control. As those resources are deployed elsewhere for reasons of funding or necessity, the problem continues and will continue until a focused, multi faceted, well planned and executed program with measurable outcomes is implemented. Graffiti is a reality of modern life, and an integral part of “Hip-Hop” culture and an ever growing percentage of our youth, particularly urban youth engage in it on a regular basis as a form of expression. The reality is that graffiti vandalism is not art as its proponents would argue, but a crime and is classified as Criminal Mischief under Pennsylvania statutes, and needs to be dealt with accordingly. The difference between art and crime is simple, in the absence of permission to paint or draw on a surface it is a crime, no matter how skillful the “artist” or how striking the drawing or painting. If the level of damage is above \$5,000.00 it is classified as a felony with appropriate penalties. The effects of rampant graffiti vandalism can be devastating, not just in the obvious visual impact that it has, but

graffiti vandalism clearly creates an atmosphere where it is acceptable to engage in other behaviors detrimental to the communities' health. Including; loitering, littering, illegal dumping, and other more serious criminal activity such as drug dealing, public intoxication, prostitution etc. Graffiti vandalism left unchecked, has the impact of lowering property values, as much as 15% according to the National Association of Realtors, and creating a sense of unease among residents, contributing to further incidents of "quality of life" crimes. (Sawyer, M. (2005) Reduce Graffiti Tagging and Defacement. *Volunteer Guide*, p 1.) According the U.S. Bureau of Justice Statistics, graffiti vandalism accounts for 35% of all property vandalism. Klaus, P. (2002 September) Crime and the Nation's Households, 2000. *Bureau of Justice Statistics Bulletin*, p 4.) Unabated graffiti vandalism also results in a reluctance by investors to do business, and a general feeling that an area is undesirable and uncared for, in short, the effects of graffiti vandalism are a classic example of the "Broken Windows" theory at work. Dealing with graffiti vandalism through consistent timely removal, community education, diversionary outlets for youths, law enforcement, and resource sharing combined with accurate record keeping and data analysis are proven methods to implement a successful graffiti abatement program.

II. Program Specifics

A) Objectives:

The primary objectives of the proposed City of Reading Graffiti Abatement Program are:

1. Consistent and timely removal of graffiti vandalism through proven and effective removal techniques primarily utilizing hot water pressure washing combined with graffiti removal chemicals, or surface matching paint to cover graffiti.

2. Engage the public as well as the business and educational communities and provide information for neighborhood groups. Organize presentations for the Reading School District, focusing on middle school age youths who are the primary perpetrators of graffiti vandalism.

3. Research and apply for funding and grant opportunities through federal, state and private foundations to fund and sustain the program long term and seek out other potential sources of revenue.

4. Develop a protocol for reporting and scheduling abatement through the Citizens Service Center and determining which projects and areas will be prioritized for maximum efficiency and impact.

5. Keep and maintain accurate records of every abatement project, including photographs, location, date, time and nature of the graffiti as well as cost of removal to provide a dollar amount per incident for reference in determining restitution, and assist law enforcement when needed.

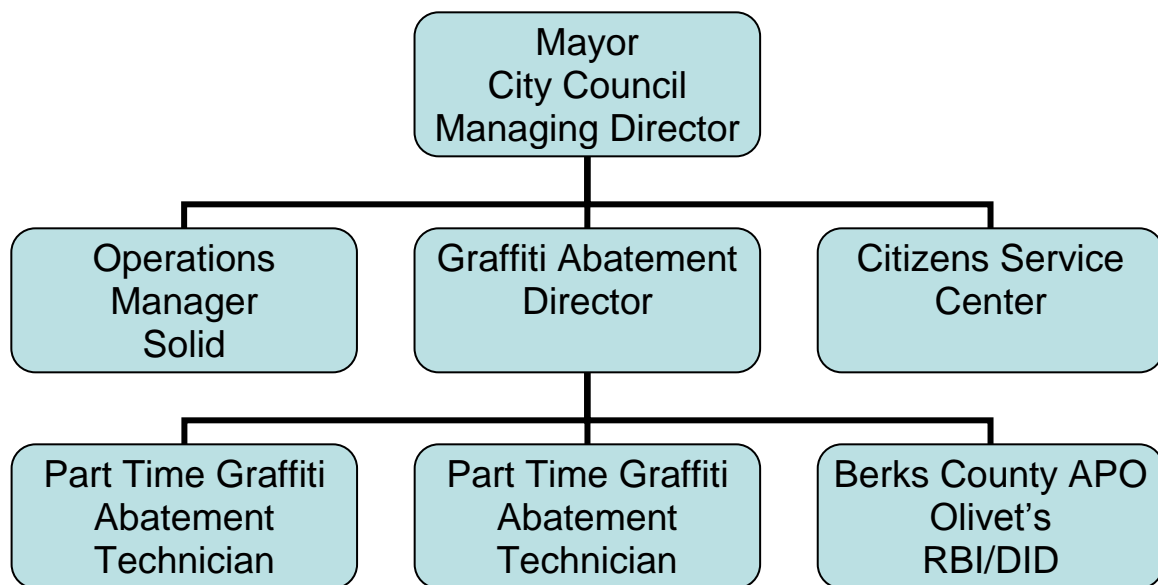
6. Develop a “rapid response” strategy to deal with issues that arise suddenly and must be dealt with, an example would be; the night before a high profile event at the Sovereign Center, vandals deface Penn St. with vulgar and racist graffiti, in plain view of

Sovereign Center patrons, a strategy will be developed utilizing our resources and through the cultivation of partnerships to have it removed immediately, to enhance and maintain the image of the city.

7. Utilize institutions of higher learning to assist in data analysis to validate methodologies and validate the program as a promising practice, based on real time, and real world analysis.

8. Expand existing mural program, enhancing existing relationships with the Olivet's Boys and Girls Club, create partnerships with the Goggle Works and advocates for the arts promoting mural creation city wide.

B. Organizational Structure/Staffing:



The proposed organization structure has the new position of Graffiti Abatement Director (GAD) reporting to Council and the Administration in coordination with the Operations Division Manager, and direction from the Citizens Service

Center. Two part time Graffiti Abatement Technicians report directly to the Graffiti Abatement Director.

C. Procedures:

For graffiti abatement there are two methods for the Graffiti Abatement Director (GAD) to utilize for assigning work, the first being that calls for service from citizens will be filtered through the Citizens Service Center to the GAD, who will input the location and information into a spreadsheet for assignment, also the GAD will make regular inspections city wide to identify trouble areas, post the appropriate waiver and input the data to prioritize targeted cleanups of high visibility areas or areas designated as high priority by council or the administration. GAD will then assign the work to the part time in house Graffiti Abatement Technicians, who will complete the work, and log the location, time spent, chemicals or paint used, and photograph the site before and after abatement. To supplement in house graffiti abatement, the GAD will also assign work to the County of Berks Community Service Program, The Olivet's Boys and Girls Clubs MAP and DREAM programs, the Downtown Improvement District, and Reading Beautification Inc. who have resources for graffiti abatement, and have agreed to assist with the effort. After projects have been completed, the GAD will enter the data into a database, calculate the cost of removal based on a consistent and objective, formula and maintain accurate records of all work completed.

III. Funding Sources

The funding for the Graffiti Abatement Project will be from the City of Reading Solid Waste Department Budget with funds earmarked specifically to provide for a clean city and a sustained effort on graffiti due to it's visual impact would be a tremendous

improvement and help change the public perception of the City of Reading as a dangerous and dirty place. The Solid Waste Office proposes a commitment of up to \$100,000.00 annually for three years to secure a Graffiti Abatement Director, and two part time employees as well as chemicals used to remove graffiti. Funds are available through the Solid Waste Enterprise Fund to transfer to the General Fund to support this initiative. The additional resources required to run an aggressive abatement program such as paint and supplies, a laptop computer and software, a digital camera, office supplies and a heavy duty hot water pressure washer, chemical sprayers as well as a vehicle to tow it are assets that are already owned by the City, which would allow the program to hit the ground running after the human resources are in place. A major benefit from creating an independent Graffiti Abatement Program would be the potential for saving up to \$30,000.00 annually from the Public Works budget through labor costs and chemical purchases currently being expended, allowing public works to divert valuable resources elsewhere. After becoming established, the Graffiti Abatement Director will utilize the City's grant writing resources to secure additional funding, as well as exploring the idea of selling our graffiti removal services to other municipalities.

IV. Budget

Proposed Annual Budget:

Graffiti Abatement Director	
Salary -	\$47,000.00
Benefits * -	\$14,100.00
Total -	\$61,100.00

Graffiti Abatement Technicians (2)	
Part Time Employees	
35 Weeks per Year	
24 Hours per Week @ \$10.00 Per Hour -	\$16,800.00
Total	\$ 16,800.00

Chemicals

85 - 5 Gallon Containers of TagAway***	
@ \$229.56 per container -	\$19,512.60
8— Chemical Sprayers	
@ \$97.79 per sprayer -	\$ 782.32
Total -	\$20,294.92

Total Proposed Budget - \$ 98,194.92

* Based on 30% of salary for full time employee

** Based on 106,250 sq feet of graffiti removal per 5 gallons, chemicals will remove sq feet of graffiti annually.

V. Conclusion

An effective, sustained and well planned and executed effort by the City of Reading to attack the problem of graffiti vandalism has the potential of becoming one of the most impactful quality of life initiatives undertaken in years to improve the cities image, even more importantly, the public perception of it. Past efforts have either focused on one aspect of graffiti vandalism, or lacked the necessary commitment of resources to succeed. The concept of a multi layered approach including city government, law enforcement, the educational and business community and the community at large is the key to a successful anti-graffiti program, based on successful models in San Jose, CA and Edison, MI which emphasize and promote community involvement, mural programs and “graffiti free” zones as part of their abatement efforts. Through innovative ideas and time tested solutions we can attack, and beat back the scourge of graffiti vandalism once and for all, with a buy in from the community. Some novel costs savings ideas could include having restitution funds rolled back into the program after successful prosecution of graffiti vandals on properties cleaned up by the program. The Berks County Courts Graffiti Abatement Program was able to secure over \$5,000.00 in restitution funds in that way over three years as an unintended benefit of graffiti

abatement. Through partnerships with arts programs such as MAP (Mentoring Through The Arts) and other existing mural programs city wide, graffiti free zones could be created with the help and support of the very young people that without an outlet, would be perpetrating graffiti crime. A buy in from law enforcement could be a helpful tool, even with the realities of strained budgets and limited manpower, quality of life issues must be addressed to order to stem the tide of more serious crimes. An all encompassing program would seek to secure grant and corporate funding during the months of December, January, and February and find creative solutions to sustain the program far behind the three year commitment, and anticipate having it at least in part funded by alternate sources as it continues. Another key component is data analysis, and we will reach out to the educational community, particularly Albright College, Alvernia University, Reading Area Community College, and Kutztown University for their assistance in determining the effectiveness of the effort, and providing insights as to improve in areas that are deemed necessary for focus, such as rapid, and sustained removal practices at targeted locations. With an end result of having a confirmed “Evidence Based” best practice which could be held up as a model for other municipalities. The proposed City of Reading Graffiti Abatement Program is an innovative solution for an age old problem that grows worse by the day. Without action the problem will continue as property values decline, and the public perception of the City of Reading declines along with them. Coupled with other successful efforts such as The Blighted Property Review Commission and the Property Maintenance Inspector program, this proposal has a high chance for success as we seek approval to move forward.

THE CHARTER BOARD OF THE CITY OF READING
IN RE: The Payment of City Funds : Request Received March 29, 2011

...

Advisory Opinion No. 23

ADVISORY OPINION

I. PROCEDURAL HISTORY AND QUESTIONS PRESENTED

Through the City Clerk, by emailed letter dated and received March 29, 2011, the Reading City Council President, Mr. Vaughn D. Spencer ("Mr. Spencer"), requested an advisory opinion in reference to Charter § 607, regarding the Finance Director, and Administrative Code §§ 1-185 and 1-186(7)(A), (B).¹ The specific question asked by Mr. Spencer is whether or not the Department of Community Development's ("Community Development") new procedure of issuing its own checks and paying its own invoices violates the Charter and Administrative Code.

The crux of this request for advisory opinion, stated generally, is whether or not any individual City Department may or may not print its own checks and pay its own invoices. So long as any City funds or money from the City Treasury are involved in a particular transaction, the Board answers in the negative.

¹ Pursuant to Section VI of the Charter, advisory opinions are to be rendered by the Board within thirty (30) days of the date the request is received. By letter dated April 13, 2011 the Board requested an extension of the period in which to respond to the advisory opinion request, which the City Clerk granted on the authority of Mr. Spencer.

II. DISCUSSION AND ANALYSIS

A. Retrospective versus Prospective Application

As the Board has cautioned previously, it is constrained to not answer under the guise of an advisory opinion retrospective questions that apply to actual or perceived violations of the Charter. The Board will answer as advisory opinions only those questions that are prospective in application. See Adv. Ops. No. 11 (September 24, 2008)

and No. 12 (January 12, 2009). Here, the question at issue, whether or not a City Department may print its own checks and pay its own invoices, is one that presents a continuing issue, and if such conduct is a violation of the Charter, it would be continuing violation.

These are not single acts in the past on which the Board is now asked to apply the Charter under the technical process of an advisory opinion request,² rather, this request involves practices that are in place and continuing. *Compare* Adv. Op. No. 11 (all events transpired and were completed before the date of the request for advisory opinion) *and* Adv. Op. No. 12 (voting at issue occurred after request for advisory opinion but before time advisory opinion was rendered) *with* Adv. Op. No. 14 (May 12, 2009) (a board continued to conduct business where an advisory opinion sought to clarify the permitted

membership on the board). On the question now before the Board, the Board will render an advisory opinion.

Finally, although Mr. Spencer asks specifically whether or not Community Development may print its own checks and pay its own invoices, the Board answers only

² Charter Board Ordinance § VI.

as to the broader question as applied to all City Departments,³ including Community Development.

B. Pertinent Charter and Administrative Code Provisions

Charter § 607 creates the Department of Finance and provides that the Director of Finance shall be responsible for, among other things, (1) the receipt, expenditure, accounting, investment, custody, and control of municipal funds and assets, including the budget (both operating and capital) and (2) all other financial matters that may arise.

Further, Charter § 503 provides that among the City Auditor's responsibilities, the auditor shall have financial oversight of City finances, independent of the Executive and Legislative branches and shall review all expenditures of the Mayor, City Council, and City Boards, Commissions and Agencies.

The Administrative Code §§ 1-185 and 1-186 clearly define the functions of the Department of Finance. In pertinent part, and without limitation, these sections provide:

Section 1-185 Department of Finance.

1. Function. The Department shall be responsible for the administration of activities pertaining to the receipt, accounting, expenditure, investment, custody, and control of the City funds except to the extent that such activities are expressly charged by law, the law, Charter, or ordinance to any other City unit. Furthermore, it shall be responsible for all City purchasing.

* * *

4. Department Director Duties. The duties and responsibilities of the Director shall include, but not be limited to the below. He/She shall direct personally and through subordinates the performance of the below duties.

³ The Board's advisory opinion has the same application to the Mayor, City Council, and City Boards, Commissions and Agencies.

A. Collect and receive all taxes and other monies or receivables by the City of Reading or authorize other municipal units to do so under prescribed procedures.

* * *

C. Maintain a uniform accounting system in accordance with generally accepted principles of governmental accounting.

* * *

E. Disburse all payments for authorized expenditures including payroll.

F. Deposit monies in depositories authorized by ordinance.

* * *

M. Administer the purchasing system according to the law, Charter and ordinances.

* * *

Section 1-186 Fiscal Provisions

* * *

3. Regulations Concerning Appropriations and Transfers.

A. The authorization and expenditure of all funds and preparation of department budgets shall be in accordance with a policy adopted by the Council and a procedures manual to be prepared and periodically reviewed and updated by the Department of Finance. Expenditures shall be executed in a uniform manner for every City Department.

* * *

7. Signing Checks.

* * *

B. Check Signatures.

(1) The Finance Director and the City Auditor shall sign all checks drawn against the City Treasury. Facsimile signatures may be used.

* * *

Although the submission provided by Mr. Spencer to the Board references a “practice” that may be in place by Community Development, City Council, the Administration or

others, no specific policy is before us and the Board has determined that it will not address any specific violation, as that is the purpose of filing a Charter Board complaint.

See Adv. Op. No. 11 at p. 2.

B. Analysis

The above quoted sections of the Charter and Administrative Code preclude any possibility that any City Department could print its own checks and pay its own invoices from the City Treasury or with City funds. The statement in Section 1-185 that "the [Finance] Department shall be responsible for the administration of activities pertaining to the . . . expenditure . . . of City Funds . . ." makes clear that no other department may print its own checks and pay its own invoices with City funds. Further, the provision in Section 1-186(3)(A) that "[e]xpenditures shall be executed in a uniform manner for every City Department" prohibits payment procedures by one department which differ from those utilized by all other City Departments.

Taken together, the Charter and Administrative Code already account for every aspect of the invoice payment process. There is no provision for an individual City Department to issue its own checks and pay its own invoices, and any payment from the City Treasury or of City funds must have the oversight of the City Auditor and must be processed through the Department of Finance. This applies equally to the Mayor, City Council, City Boards, Commissions, and Agencies.

III. OPINION OF THE BOARD

The Opinion of the Board is that no City Department, nor the Mayor, City Council, or City Boards, Commissions or Agencies, may print or issue its own checks and pay its own invoices.⁴

CITY OF READING CHARTER BOARD

By:

Susan Gibson, Chair

Date: May 4, 2011

⁴ The Board qualifies this advisory opinion only to the extent that any check is issued or invoice is paid by an express charge of state or federal law to any City unit other than the Finance Department. Admin. Code
§ 1-185(1).